

FILED  
U.S. DISTRICT COURT  
DISTRICT OF MARYLAND

ETS/USAO#2012R00880

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

CLERK'S OFFICE  
AT BALTIMORE

BY QAM DEPUTY

UNITED STATES OF AMERICA :

v. :

CARLOS HERNANDEZ  
a/k/a Luis Colon-Bacenet,  
Defendant.

: CRIMINAL NO. MJG-13-0555  
: (Wire Fraud 18 U.S.C. § 1343; Aiding and  
: Abetting; 18 U.S.C. § 2)  
:  
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INFORMATION

COUNT ONE  
(Wire Fraud)

The United States Attorney for the District of Maryland charges that:

At all times relevant to this Information:

1. Northside Liquors was a retail store selling wine and distilled spirits ("liquor") located in Elkton, Cecil County, Maryland.
2. The Maryland state excise tax rate for the sale of liquor was approximately \$1.50 per gallon. The excise tax for the sale of liquor in New York was approximately \$6.44 per gallon for the state and an additional \$1.00 per gallon for the city of New York for a total of \$7.44 per gallon.
3. Any person or entity transferring or shipping liquor into New York for sale was required by state law (a) to register with the state of New York, and (b) to provide monthly reports of the quantities of liquor shipped into the state of New York. The reports are used to enforce New York State and New York City excise taxes.

SCHEME AND ARTIFICE TO DEFRAUD

5. From at least in or about April 2012 through and including December 14, 2012, in the District of Maryland, and elsewhere,

**CARLOS HERNANDEZ**  
**a/k/a Luis Colon-Bacenet**

along with others known and unknown to the United States, did knowingly devise and intend to devise a scheme and artifice to defraud and to obtain money by means of materially false and fraudulent pretenses, representations, and promises, and in furtherance thereof, used interstate wires, all as set forth below.

**MANNER AND MEANS OF THE SCHEME AND ARTIFICE TO DEFRAUD**

6. It was part of the scheme and artifice to defraud that **CARLOS HERNANDEZ** used a cellular telephone located outside of Maryland to contact Northside Liquors, which was located in Elkton, Maryland to place orders to buy cases of liquor at retail prices in Maryland.

7. It was further part of the scheme and artifice to defraud that **HERNANDEZ** drove or directed others to drive to Northside Liquors in Elkton, Maryland where the individuals paid cash for the previously ordered liquor. The liquor was then loaded onto the vehicles and driven to New York.

8. It was further part of the scheme and artifice to defraud that **HERNANDEZ** concealed the transportation of the liquor from the state of New York with the intent to evade applicable New York excise taxes by failing to register as a distributor of liquor with the state of New York and failing to file with the state of New York reports describing the transportation of the liquor from Northside Liquors to New York as required by New York law.

9. It was further part of the scheme and artifice to defraud that **HERNANDEZ** then sold or

caused to be sold the liquor purchased in Maryland to buyers in New York without paying the New York excise taxes on that liquor.

10. It was further part of the scheme and artifice to defraud that on December 14, 2012, **HERNANDEZ** attempted to evade applicable New York excise taxes in the amount of \$6,186.60 by paying representatives of Northside Liquors in excess of \$100,000 in cash in exchange for at least 300 cases of liquor, and then attempting to drive back to New York.

**EXECUTION OF THE SCHEME AND ARTIFICE TO DEFRAUD**

11. On or about December 11, 2012, in the District of Maryland,

**CARLOS HERNANDEZ  
a/k/a Luis Colon-Bacenet**

the Defendant, for the purpose of executing the above-described scheme and artifice to defraud and attempting to do so, did knowingly and willfully transmit and cause to be transmitted in interstate commerce, by means of wire communication, certain signs, signals, and sounds, to wit: a telephone call from phone number 718-581-9601 outside the state of Maryland to Northside Liquors in Elkton, Maryland in which he placed order for taxable liquor in an amount in excess of 3,150 liters.

18 U.S.C. § 1343  
18 U.S.C. § 2

Rod J. Rosenstein/ets

Rod J. Rosenstein  
United States Attorney